Remarks

Applicant has cancelled all previous claims and submitted new claims to over come the rejections to the claims and to define the invention patentability over the prior art as follows:

Applicant has complied with the 35 USC § 112 rejection of claims 1-13

The Office Action rejected claims 1-13 under 35 USC § 112 because independent claim 1 stated that the slot may be on either member while the disclosure teaches the slot only being on the second member (retaining loop) and not the first member (support loop). Although applicant does not agree with this rejection, applicant has replaced claim 1 with new claim 21, which states that the slot is on the second member, to comply with this rejection.

Applicant has complied with the 35 USC § 102 rejection of claims 1 & 14

The Office Action rejected claims 1 and 14 under 35 USC § 102 for being anticipated by Valdez. Applicant has complied with these rejections by canceling claims 1 and 14 and wording new claims 21 and 27 to be patentable over Valdez as well as other prior art.

Applicant has complied with the 35 USC § 102 rejection of claim 2

The Office Action rejected claim 2 under 35 USC § 102 for reading on Valdez as follows:

> *The first and second members have complimentary cross sections that snap locked together to secure the portion the bag sandwiched there between.*

Applicant has cancelled claim 2 and submitted new claims 22 and 28 to comply with this rejection. The new claims comply with the rejection by pointing out the novelty the specification teaches over Valdez. Applicant teaches two members that snap-lock together in the process of pressing the members together. In contrast, Valdez teaches a

system of pivoting the latches of one member to clamp on to the other member as a separate action after pressing the two members together. New claims 22 and 28 have been worded to clarify this novelty over Valdez.

Applicant has complied with the 35 USC § 102 rejection of claims 3 & 16

The Office Action rejected claims 3 and 16 under 35 USC § 102 for reading on Valdez as follows:

> *At least one of the side of the first member has one of a concave and convex cross section.*

Applicant has cancelled claim 3 and 16 and submitted new claims 22, 23, 28, and 29 to comply with this rejection. The new claims comply with the rejection by pointing out the novelty the specification teaches over Valdez. Applicant teaches convex and concave sides that are along the sides of the members that are parallel to the direction of motion when the loops are press fitted together and are a means of snap-locking the loops together. In contrast, Valdez teaches concave and convex cross sections that are perpendicular to the direction of motion when the loops are pressed together. Furthermore, Valdez does not teach the concave and convex sides as a means of snap-locking the loops together. Instead, Valdez teaches pivoting latches to hold the two members together. New claims 22, 23, 28, and 29 have been worded to clarify this novelty over Valdez.

Applicant has complied with the 35 USC § 102 rejection of claim 5

The Office Action rejected claim 5 under 35 USC § 102 for reading on Valdez as follows:

> *The second member includes one or more hook members (206). The hook member is adapted to latch against the first member.*

Applicant has cancelled claim 5 and submitted new claims 24 and 30 to comply with this rejection. The new claims comply with the rejection by pointing out the novelty the specification teaches over Valdez. Applicant teaches hook members that are an integrally formed part of the retaining member. In contrast, Valdez teaches hooks that are not integrally formed with the first member and are instead "hinged" clamps "pivotally"

attached to the first member. Valdez narrows the scope of the hook member to this specific design in column 5 on page 8 where he refers to figures 5 and 6 and states:

> *Arrow A2 shows the pivot action required for hooking hook end 206 to an underside of section 301. Clamp 204 is shown as preferably attached to section 201 by means of a pivot 202 and is formed of an elastic band portion 205, that stretches, as indicated by arrow A3 in FIG. 6, and which facilitates a tensioned securement of section 201 to section 301. FIG. 6 shows a cross sectional view taken along line 6--6 in FIG. 7 showing clamp 204 in an unclamped state. FIG. 8 is a bottom plan view of the stiffener apparatus 100 showing in particular the clamps 204 secured to the underside of stiffener section 301. The elastic characteristic of clamps 204 facilitates securement of different gage thickness of material captured between the two stiffener sections.*

Further more, the only hook members that appear in Valdez's claims is this "pivotally attached" and "hinged elastic member" design as stated in each of the independent claims 1, 3, 6, and 9. New claims 24 and 30 have been worded to specify that the hooks are an integral part of the second member to clarify the novelty over Valdez.

Applicant has complied with the 35 USC § 102 rejection of claims 6, 7, 8, 9, 12 & 15

The Office Action rejected claims 6, 7, 8, 9, 12 and 15 under 35 USC § 102 for being anticipated by Valdez. Applicant has complied with this rejection by canceling these claims.

Applicant has complied with 35 USC § 103 rejection of claims 19 & 20

The Office Action rejected claims 19 and 20 under 35 USC § 102 for being anticipated by Haas, Jr. Applicant has complied with this rejection by canceling claims 19 and 20.

Claims should not be rejected for claiming rectangular cross section since Valdez does not teach rectangular cross section

The Office Action rejected claim 4 under 35 USC § 102 for reading on Valdez as follows:

The first member is generally rectangular in cross section and the second member has the slot formed therein.

Applicant points out that Valdez does not teach a member with generally rectangular cross section. Valdez instead teaches a five sided U-channel cross section as shown in figures 3, 3a, 5, and 6 or V-channel of figure 4 on page 3. Valdez also describes the apparatus in this manner in the Abstract as follows:

A stiffener apparatus, including first and second stiffener body sections, each stiffener section is formed as an open, octagonally shaped structure, and is provided with geometrically shaped channel ... In use, the geometrically shaped mating channels compress the outer edges of the trash bag's opening material between multi-planar surfaces ...

and in the section titled SUMMARY OF THE INVENTION as follows:

The stiffener body member of the stiffener apparatus is preferably formed comprising first and second stiffener body sections, each stiffener section being formed as an open, octagonally shaped structure, and provided with geometrically shaped channel ... (page 6, lines 45 - 50)

and in the section titled DESCRIPTION OF THE PREFERRED EMBODIMENT OF THE INVENTION as follows:

The geometric design of structural sections 201, 301 is preferably a closed-end octagonal loop having a-multi-surfaced, U-shaped channelled body. (page 7, lines 45 – 48)

... the multi-surface contact of walls (207, 208, 209, 210, 211), (302, 303, 304, 305, 306) ... (page 7, lines 51 & 52)

The five reference numbers in the quote above indicate the five sides of the channels. Finally, the U-channel feature of each member is specified in each of the independent claims 1, 3, 6, 9 as follows:

... said first and second stiffener sections being flexible and having a substantially U-shaped cross section ...

The rectangular cross section now appears in new claim 27. Applicant requests this be allowed in light of the above information.

Applicant has complied with 35 USC § 103 rejection of claims 10 & 11

The Office Action, under 35 USC § 103, rejected claim 10 for being unpatentable over Valdez in view of Thomson and rejected claim 11 for being unpatentable over Valdez in view of Linsmeyer. Applicant has therefore cancelled claims 10 and 11 to comply with these rejections.

Claims about protrusion-groove system of snap-locking the members together should be allowed since Valdez and Harvey cannot be combined

The Office Action, under 35 USC § 103, rejected claims 17 and 18 as unpatentable over Valdez in view of Harvey. However, the protrusion-groove system taught by Harvey cannot be combined with the apparatus taught by Valdez because they conflict with each other. Harvey teaches an apparatus that has one member permanently attached to the other such that the retaining member is pivotally attached to the support loop. Harvey teaches a protrusion-groove system as one of several methods of permanently anchoring the retaining member to the support loop. This is stated as a fundamental aspect of Harvey's apparatus in several places in his patent, but most importantly at column 5, page 7, lines 29 – 33 as follows:

> *..an outwardly flared and split stud 135 that projects upwardly and inwardly into the hollow hoop 302 so that each clip 304 can be permanently affixed to the hoop 302 by press-fitting the stud through a matching hole 135* (Harvey, column 5, page 7, lines 29 – 33)

and in each of the independent claims 1 and 9 as follows:

> *... each clip is permanently held to the hoop ...*

It would not be obvious to one skilled in the art to have modified the apparatus taught by Valdez to have incorporated the protrusion grove system taught by Harvey since Valdez teaches two members that are easily, frequently and intentionally separated during normal use but Harvey teaches a protrusion-groove system that permanently anchors one member to the other. However, applicant teaches a protrusion-groove system where the two members are completely separable during normal use. New independent claims 21 and 27 include the statement, "wherein the support loop and retaining loop are

completely removable from each other," so that, in conjunction with new dependent claims 25, 26, 31, and 32, the novelty over Valdez and Harvey is clarified.

Conclusion

Applicant has rewritten all claims to traverse the rejections of the Office Action. Applicant has also argued for the allowance of claims regarding the rectangular cross section of one of the members and for the protrusion-groove system for removably snap-locking the two members together. For these reasons, applicant submits that the claims now define the patentability over the prior art and respectfully requests allowance of the application.

Request for One Month Extension of Time

The applicant respectfully requests a one month extension of time. The appropriate amount is enclosed.

Very respectfully,

Robert Dran 3/29/2005

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